

SEALEDUNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISIONCLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILEDTHE MATTER OF THE SEARCH OF CONTENT AND ALL
RECORDS ASSOCIATED WITH E-MAIL ACCOUNT:
rockyjoew12@gmail.comTHAT IS STORED AT PREMISES
CONTROLLED BY
GOOGLE
1600 AMPHITHEATRE PARKWAY
MOUNTAIN VIEW, CA 94043APPLICATION AND
AFFIDAVIT FOR SEARCH
2014 AUG 22 AM 10:03

DEPUTY CLERK

5-14MJ00127

I, Keith Quigley, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property:

See Attachment "A" of the Affidavit attached hereto and made a part of this Application for Search Warrant

there is now concealed a certain person or property, namely:

See Attachment "B" of the Affidavit attached hereto and made a part of this Application for Search Warrant

The basis for the search under 18 U.S.C. § 2703 and Fed.R.Crim.P.41(c) is (*check one or more*):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code SectionOffense Description

18 USC 2252

Certain activities relating to material involving the sexual exploitation of minors

18 USC 2252A

Interstate Receipt or Distribution of Child Pornography

The application is based on these facts:

- ☒ Continued on the attached sheet(s) – See Attached Affidavit
- ☐ Delayed notice of _____ days is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

(Applicant's Signature):

(Printed Name and Title):

Keith Quigley, Special Agent

SWORN TO BEFORE ME AND SIGNED IN MY PRESENCE.

Date:

August 22, 2014

Judge's Signature:

Nancy M. Koenig

City and State: Lubbock, Texas

Nancy M. Koenig, U.S. Magistrate Judge

(Printed Name and Title)

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

I, Special Agent, Keith Quigley, of the Federal Bureau of Investigation (FBI),
being duly sworn under oath, do hereby depose and state:

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) and am assigned to the Dallas Division, Lubbock Resident Office, Lubbock, Texas. I have been so employed since December 1997. As part of my duties as an FBI agent, I investigate criminal violations relating to child sexual exploitation and child pornography, including violations pertaining to the illegal production, distribution, receipt, and possession of child pornography and child obscenity, in violation of Title 18, United States Code, §§ 1466A, 2251, 2252, and 2252A. As part of my duties as an FBI Special Agent, I have gained experience conducting criminal investigations involving child sexual exploitation and child pornography, and have participated in the execution of several search warrants in such investigations. I have had the opportunity to observe and review numerous examples of child pornography (as defined in Title 18, U.S.C. § 2256) in all forms of media, including computer media.

2. As a federal agent, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States. I have also participated in the execution of many search warrants.

3. This affidavit is being made in support of an application for a search warrant for information associated with a certain Google, Inc. ("Google") account, listed in Attachment "A," that is stored at the premises owned, maintained, controlled, and/or

operated by Google, 1600 Amphitheatre Parkway, Mountain View, California, for the items specified in Attachment "B" hereto.

4. The affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A), and 2703(c)(1)(A), to require Google to disclose to the government records and other information in its possession pertaining to the subscriber or customer associated with the account, including the contents of communications and contents of the account.

STATUTORY AUTHORITY

5. This investigation concerns alleged violations of 18 U.S.C. §§ 2252 and 2252A, relating to material involving the sexual exploitation of minors.

GOOGLE

6. Google is a multinational corporation specializing in Internet-related services and products, including search functions, cloud computing, software, and advertising technologies. Google offers an e-mail system known as gmail, which allows users to create e-mail accounts to send, receive, and save e-mails. Google offers other various products and services, including Picasa, Google+, a social networking platform, and instant messaging services.

DEFINITIONS

7. The following definitions apply to this affidavit and Attachment "B" to this affidavit:

8. “Child Pornography” means any depiction meeting the definition set forth in Title 18, United States Code, section 2256(8) (any visual depiction of sexually explicit conduct where (a) the production of the visual depiction involved the use of a minor engaged in sexually explicit conduct, (b) the visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaged in sexually explicit conduct, or (c) the visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaged in sexually explicit conduct).

9. “Visual depictions” include undeveloped film and videotape, and data stored on computer disk or by electronic means, which is capable of conversion into a visual image. See, 18 U.S.C. § 2256(5).

10. “Child Erotica,” as used herein, means any material relating to minors that serves a sexual purpose for a given individual, including fantasy writings, letters, diaries, books, sexual aids, souvenirs, toys, costumes, drawings, and images or videos of minors that are not sexually explicit.

11. “Minor” means any person under the age of eighteen years. See, 18 U.S.C. § 2256(1).

12. “Sexually explicit conduct” means actual or simulated (a) sexual intercourse, including genital-genital, oral-genital, or oral-anal, whether between persons of the same or opposite sex; (b) bestiality; (c) masturbation; (d) sadistic or masochistic

abuse; or (e) lascivious exhibition of the genitals or pubic area of any person. See, 18 U.S.C. § 2256(2).

13. “Internet Service Providers” or “ISPs” are commercial organizations which provide individuals and businesses access to the Internet. ISPs provide a range of functions for their customers, including access to the Internet, web hosting, e-mail, remote storage, and co-location of computers and other communications equipment. ISPs can offer various means by which to access the Internet, including telephone based dial-up, broadband based access via a digital subscriber line (DSL) or cable television, dedicated circuits, or satellite-based subscription. ISPs typically charge a fee based upon the type of connection and volume of data, called bandwidth, that the connection supports. Many ISPs assign each subscriber an account name such as a user name or screen name, an e-mail address, and an e-mail mailbox, and the subscriber typically creates a password for the account. By using a computer equipped with a telephone or cable modem, the subscriber can establish communication with an ISP over a telephone line or through a cable system, and can access the Internet by using his or her account name and password.

14. The terms “records”, “documents”, and “materials”, as used herein, include all information recorded in any form, visual or aural, and by any means, whether in handmade form (including, but not limited to, writings, drawings, painting), photographic form (including, but not limited to, microfilm, microfiche, prints, slides, negatives,

videotapes, motion pictures, photocopies), mechanical form (including, but not limited to, phonograph records, printing, typing) or electrical, electronic or magnetic form (including, but not limited to, tape recordings, cassettes, compact discs, electronic or magnetic storage devices such as floppy diskettes, hard disks, CD-ROMs, digital video disks (DVDs), Personal Digital Assistants (PDAs), Multi Media Cards (MMCs), memory sticks, optical disks, printer buffers, smart cards, memory calculators, cellular telephones, game consoles, electronic dialers, or electronic notebooks, as well as digital data files and printouts or readouts from any magnetic, electrical or electronic storage device).

15. "Electronic Mail," commonly referred to as e-mail (or email), is a method of exchanging digital messages from an author to one or more recipients. Modern e-mail operates across the Internet or other computer networks. E-mail systems are based on a store-and-forward model; they need only connect briefly, typically to an e-mail server, for as long as it takes to send or receive messages. An Internet e-mail message generally consists of three components: the message envelope, the message header, and the message body, but may include a fourth component, an attachment. E-mail attachments can include any type of digital file. There are numerous methods of obtaining an e-mail account; some of these include e-mail accounts issued by an employer or school. One of the most common methods of obtaining an e-mail account is through a free web-based e-mail provider such as MSN, Yahoo! or Gmail. Anyone with access to the Internet can generally obtain a free web-based e-mail account.

16. "Website" consists of textual pages of information and associated graphic images. The textual information is stored in a specific format known as Hyper-Text Mark-up Language (HTML) and is transmitted from web servers to various web clients via Hyper-Text Transport Protocol (HTTP).

BACKGROUND OF INVESTIGATION

17. The National Center for Missing and Exploited Children (NCMEC) receives complaints via their CyberTipLine from Internet Service Providers (ISPs), Electronic Service Providers (ESPs) and individual persons. These CyberTip reports are reviewed by a NCMEC analyst and forwarded to the FBI if no further action can be taken based on the information provided in the CyberTip report.

18. CyberTip reports 2223584 & 2226588 were reported to the NCMEC CyberTipLine by Google as a result of several images depicting child pornography being posted to Picasa Web Albums, a Google photo sharing website, using e-mail address rockyjoew12@gmail.com. (Arial type is used to display this email address, to better distinguish between letters and numbers.)

19. Google provided the images within the CyberTip reports.

20. CyberTip Report 2223584

a. Google-CT-RPT-40ce008892335b4dc4f09b0dcf3a46c8
This image depicts a male engaged in oral-genital sexual intercourse with a female who is approximately 6-10 years old.

b. Google-CT-RPT-93c3b6db05be0d2b813c38a81f3084d4

This image depicts the lascivious exhibition of the genitals and pubic areas of a prepubescent female and an adult male. The image depicts a close-up of the penis touching the vagina.

c. Google-CT-RPT-c91fc6d8608d78e8156e4097ccd98144

This image depicts a prepubescent female, 6-8 years old, engaged in lascivious exhibition of her genitals and pubic area. The image focuses on her vagina, which an adult's hand is reaching out to touch with an index finger.

21. CyberTip Report 2226588

a. Google-CT-RPT-41383321ccc42022f0843ba78c2c92f1

This image depicts two young females in bikinis. The younger female, approximately 11-13 years old, is shown engaging in lascivious exhibition of her genitals and pubic area. She is seated on a towel, facing the camera, and is using her right hand to pull her bikini bottom aside to display her vagina.

22. Based on information provided in the CyberTip reports, additional steps were taken to identify the subject associated with e-mail address rockyjoew12@gmail.com.

23. On January 17, 2014, Google Inc., responded to a law enforcement subpoena and provided the following information: E-mail account rockyjoew12@gmail.com returned to Rocky Williams with corresponding SMS number 806-518-[last four digits redacted.]

24. On January 27, 2014, an administrative subpoena was served on Sprint Corporation for information regarding SMS: 806-518-2696. Sprint Corporation responded on February 7th, 2014, showing an active account with the name of Rocky Williams at 1316 W. 14th Street, Littlefield, Lamb County, TX, as of that date. A check

with the Texas Department of Public Safety (TxDPS) provided a photograph of Rocky Williams and confirmed 1316 W. 14th Street as his place of residence. Rocky Williams is further identified as a white male, thirty-seven years of age, date of birth [month and day redacted], 1976, with Texas Driver's License number 15899[last three digits redacted], residing at 1316 West 14th Street, Littlefield, Texas.

25. On May 28, 2014, a search warrant was executed for the search of the residence of Rocky Joe Williams in Littlefield, Texas. Williams consented to be interviewed, and he admitted that he was the person associated with the Google account with the corresponding telephone number referenced in Paragraph 23, above. Williams admitted that he had used his telephone to access the Internet to view, upload, download, and save, various types of pornographic images, including child pornography. Williams was shown three images associated with CyberTip 2226588, and he identified them as being images that he had uploaded to the Google Picasa Web photo sharing site.

26. On June 11, 2014, the facts of the case were presented to the Federal Grand Jury in Lubbock, Texas, who returned a four-count Indictment. Williams was charged with one count of Possession of Child Pornography and Aiding and Abetting, in violation of Title 18, U.S.C. Sections 2252A(a)(5)(B) and 2; one count of Transportation of Child Pornography and Aiding and Abetting, in violation of Title 18, U.S.C. Sections 2252A(a)(1) and 2; and two counts of Receipt of a Visual Depiction of a Minor Engaging

in Sexually Explicit Conduct and Aiding and Abetting, in violation of Title 18, U.S.C. Sections 2252(a)(2) and 2.

27. I know from training and experience, and from the training and experience of other law enforcement officers I have spoken to, that individuals who possess, receive, and distribute child pornography often use different methods to send and receive files, including e-mail, peer-to-peer file sharing, and cloud storage accounts.

28. I know from training and experience, and from the training and experience of other law enforcement officers, that individuals involved in the trafficking of child pornography often create numerous e-mail accounts and online profiles using the same user names, or variations that closely resemble those user names.

29. I am aware that Internet based e-mail accounts, such as those offered by Google, allow users to keep and store e-mail messages and photographs for an indefinite period of time. Also, because Google's email system allows subscribers to send and receive e-mail messages from a Web browser anywhere in the world, individuals can log into some Google accounts using any e-mail address that they may have, including e-mail accounts that are not associated with Google.

CONCLUSION

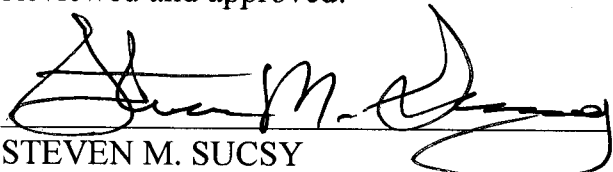
30. I anticipate executing this warrant under the Electronic Communications Privacy Act, in particular, 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), by using the warrant to require Google to disclose to the government copies of the records

and other information (including the content of communications) particularly described in Section I of Attachment "B." Upon receipt of the information described in Section I of Attachment "B," government-authorized persons will review that information to locate the items described in Section II of Attachment "B."

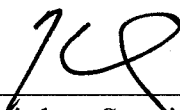
31. Based on the aforementioned factual information, I respectfully submit that there is probable cause to believe that evidence, fruits, and instrumentalities of such criminal offenses may be located at the premises described in Attachment "A," in violation of 18 U.S.C. §§ 2252 and 2252A.

32. I respectfully request that the attached warrant be issued authorizing the search and seizure of the items listed in Attachment "B."

Reviewed and approved:



STEVEN M. SUCSY
Assistant United States Attorney



Keith Quigley, Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me on the 22nd day of August, 2014.



NANCY M. KOENIG
UNITED STATES MAGISTRATE JUDGE
NORTHERN DISTRICT OF TEXAS

ATTACHMENT "A"
PROPERTY TO BE SEARCHED

The property to be searched is the Google accounts, including, but not limited to, gmail, Picasa and Google+ accounts, associated with Rocky Joe Williams, CyberTip reports 2223584 and 2226588, and/or associated with the following e-mail address:
rockyjoew12@gmail.com
which is stored at premises owned, maintained, controlled or operated by Google Incorporated, headquartered at 1600 Amphitheater Parkway, Mountain View, CA 94043.

ATTACHMENT "B"
DESCRIPTION OF ITEMS TO SEIZED AND SEARCHED

Items to be seized

I. Information to be disclosed by Google, Inc.

To the extent that the information described in Attachment "A" is within the possession, custody, or control of Google, including any messages, records, files, logs, or information that have been deleted but are still available to Google or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Google is required to disclose the following information to the government for each account or identifier listed in Attachment "A":

A. The contents of all folders associated with the account, including stored or preserved copies of files sent to and from the account, the source and destination addresses associated with each file, and the date and time at which each file was sent;

B. All transactional information of all activity of the Google accounts described above, including log files, messaging logs, records of session times and durations, dates and times of connecting, and methods of connecting, and e-mails sent or received via Google, and any contact lists;

C. All records or other information regarding the identification of the account, to include full name, physical address, telephone numbers and other identifiers, records of session times and durations, the date on which the account was created, the length of service, the types of service utilized, the IP address used to register the account,

log-in IP addresses associated with session times and dates, account status, alternate e-mail addresses provided during registration, methods of connecting, log files, and means and source of payment (including any credit or bank account number);

D. All records or other information stored at any time by any individual using the account, including address books, contact and buddy lists, calendar data, pictures, videos, and files; and

E. All records pertaining to communications between Google and any person regarding the account or identifier, including contacts with support services and records of actions taken.

II. Information to be seized by the government

All information described above in Section I that constitutes fruits, evidence and instrumentalities of violations of 18 U.S.C. §§ 2252 and 2252A involving the account(s) associated with the e-mail address provided herein.

III. Method of delivery

Items seized pursuant to this search warrant can be served by sending, on any digital media device, to:

Special Agent Keith Quigley
Federal Bureau of Investigation
1205 Texas Avenue, Suite 811
Lubbock, Texas 79401